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STATE OF ILLINOIS       )  
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COUNTY OF COOK       )

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

LARRY J. COLLIER,

Plaintiff,

v.

WAL-MART STORES, INC.,  
WAL-MART REAL ESTATE  
BUSINESS TRUST, WAL-MART  
ASSOCIATES, INC., WAL-MART.COM  
USA, LLC, WAL-MART REALTY  
COMPANY, WAL-MART STORES  
EAST, INC., WAL-MART TRANS-  
PORTATION, LLC,

Defendants,

No.

JURY DEMAND

2007 NOV 13 PM 1:21  
CLERK OF CIRCUIT COURT  
LAW DIVISION

NOV 13 2007  
CLERK OF CIRCUIT COURT  
LAW DIVISION

**COMPLAINT AT LAW**

NOW COMES the Plaintiff, LARRY J. COLLIER, by and through his attorneys, BRIDGET A. MITCHELL and THOMAS J. TYRRELL, and complaining against the Defendants WAL-MART STORES, INC., WAL-MART REAL ESTATE BUSINESS TRUST, WAL-MART ASSOCIATES, INC., WAL-MART.COM USA, LLC, WAL-MART REALTY COMPANY, WAL-MART STORES EAST, INC., and WAL-MART TRANSPORTATION, LLC, states as follows:

**Count 1 – WAL-MART STORES, INC. – Negligence**

1. On November 16, 2005 and at all times relevant to the matters in this Complaint, Defendant, WAL-MART STORES, INC., owned and/or leased, operated, managed, maintained, and controlled and/or contracted to operate, manage, maintain, and control a WAL-MART store, store number 5276, located at 1555 North Rand Road in the City of Palatine, County of Cook and State of Illinois.

EXHIBIT

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2. On November 16, 2005 Plaintiff LARRY J. COLLIER, was lawfully on the premises of Defendant, WAL-MART STORES, INC.'s, WAL-MART store, store number 5276, as a business invitee and was legally and lawfully in and upon the premises located at 1555 North Rand Road, in the City of Palatine, County of Cook and State of Illinois.

3. On or prior to November 16, 2005 it was the duty of Defendant, WAL-MART STORES, INC., individually and by and through its agents, servants, and employees acting on it's behalf, to exercise reasonable care and caution in and about the ownership, leasing, maintenance, operation, management, and control of said premises, and to keep, operate, and maintain the aforementioned premises in a reasonably safe condition for the use of patrons and others lawfully entering the premises of the building.

4. On and prior to November 16, 2005 the Defendant, WAL-MART STORES, INC., individually and by and through its agents, servants and employees acting its behalf, committed one or more of the following negligent acts and/or omissions:

- a. negligently operated, managed, maintained and controlled the men's dressing rooms, including the men's dressing room for disabled customers;
- b. failed to adequately inspect the men's dressing rooms, including the men's dressing room for disabled customers;
- c. failed to remove materials including a ladder, a metal rack, containers, bundles of plastic and debris from the men's dressing room for disabled customers;
- d. failed to warn Plaintiff of the defective and/or dangerous condition existing in the men's dressing room for disabled customers, consisting of, but not limited to, a ladder, a metal rack, debris, containers and bundles of plastic when Defendant knew or should have known of the presence of the condition;
- e. failed to barricade the defective and/or dangerous conditions in the men's dressing room for disabled customers;

- f. allowed the dangerous condition consisting of, but not limited to, a ladder, a metal rack, debris, containers and bundles of plastic, to remain in the men's dressing room for disabled customers;
- g. failed to properly, completely and safely clean up the men's dressing room for disabled customers;
- h. placed ladder, metal rack, container, debris and bundles of plastic in the men's dressing room for disabled customers;
- i. failed to provide Plaintiff with a safe place to try on clothing;
- j. was otherwise negligent.

5. That as a direct and proximate result of one or more of Defendant, WAL-MART STORES, INC., negligent acts or omissions, as aforesaid, the ladder in the men's dressing room for disabled customers fell onto the Plaintiff, Larry J. Collier, directly causing the Plaintiff to sustain personal injuries, of an economic and non-economic nature including but not limited to medical expenses, pain and suffering, and loss of normal life.

WHEREFORE, the Plaintiff, LARRY J. COLLIER, prays for judgment against the Defendant, WAL-MART STORES, INC., for damages in excess of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS and for such other relief as this court deems just.

**Count II – WAL-MART REAL ESTATE BUSINESS TRUST. – Negligence**

1. On November 16, 2005 and at all times relevant to the matters in this Complaint, Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, owned and/or leased, operated, managed, maintained, and controlled and/or contracted to operate, manage, maintain, and control a WAL-MART store, store number 5276, located at 1555 North Rand Road in the City of Palatine, County of Cook and State of Illinois.

2. On November 16, 2005 Plaintiff LARRY J. COLLIER, was lawfully on the premises of Defendant, WAL-MART REAL ESTATE BUSINESS TRUST's, WAL-MART store, store number 5276, as a business invitee and was legally and lawfully in

and upon the premises located at 1555 North Rand Road, in the City of Palatine, County of Cook and State of Illinois.

3. On or prior to November 16, 2005 it was the duty of Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, individually and by and through its agents, servants, and employees acting on it's behalf, to exercise reasonable care and caution in and about the ownership, leasing, maintenance, operation, management, and control of said premises, and to keep, operate, and maintain the aforementioned premises in a reasonably safe condition for the use of patrons and others lawfully entering the premises of the building.

4. On and prior to November 16, 2005 the Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, individually and by and through its agents, servants and employees acting its behalf, committed one or more of the following negligent acts and/or omissions:

- a. negligently operated, managed, maintained and controlled the men's dressing rooms, including the men's dressing room for disabled customers;
- b. failed to adequately inspect the men's dressing rooms, including the men's dressing room for disabled customers;
- c. failed to remove materials including a ladder, a metal rack, containers, bundles of plastic and debris from the men's dressing room for disabled customers;
- d. failed to warn Plaintiff of the defective and/or dangerous condition existing in the men's dressing room for disabled customers, consisting of, but not limited to, a ladder, a metal rack, debris, containers and bundles of plastic when Defendant knew or should have known of the presence of the condition;
- e. failed to barricade the defective and/or dangerous conditions in the men's dressing room for disabled customers;
- f. allowed the dangerous condition consisting of, but not limited to, a ladder, a metal rack, debris, containers and bundles of plastic, to remain in the men's dressing room for disabled customers;



- g. failed to properly, completely and safely clean up the men's dressing room for disabled customers;
- h. placed ladder, metal rack, container, debris and bundles of plastic in the men's dressing room for disabled customers;
- i. failed to provide Plaintiff with a safe place to try on clothing;
- j. was otherwise negligent.

5. That as a direct and proximate result of one or more of Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, negligent acts or omissions, as aforesaid, the ladder in the men's dressing room for disabled customers fell onto the Plaintiff, Larry J. Collier, directly causing the Plaintiff to sustain personal injuries, of an economic and non-economic nature including but not limited to medical expenses, pain and suffering, and loss of normal life.

WHEREFORE, the Plaintiff, LARRY J. COLLIER, prays for judgment against the Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, for damages in excess of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS and for such other relief as this court deems just.

**Count III – WAL-MART ASSOCIATES, INC. – Negligence**

1. On November 16, 2005 and at all times relevant to the matters in this Complaint, Defendant, WAL-MART ASSOCIATES, INC., owned and/or leased, operated, managed, maintained, and controlled and/or contracted to operate, manage, maintain, and control a WAL-MART store, store number 5276, located at 1555 North Rand Road in the City of Palatine, County of Cook and State of Illinois.

2. On November 16, 2005 Plaintiff LARRY J. COLLIER, was lawfully on the premises of Defendant, WAL-MART ASSOCIATES, INC.'s, WAL-MART store, store number 5276, as a business invitee and was legally and lawfully in and upon the premises located at 1555 North Rand Road, in the City of Palatine, County of Cook and State of Illinois.

3. On or prior to November 16, 2005 it was the duty of Defendant, WAL-MART ASSOCIATES, INC., individually and by and through its agents, servants, and employees acting on it's behalf, to exercise reasonable care and caution in and about the

ownership, leasing, maintenance, operation, management, and control of said premises, and to keep, operate, and maintain the aforementioned premises in a reasonably safe condition for the use of patrons and others lawfully entering the premises of the building.

4. On and prior to November 16, 2005 the Defendant, WAL-MART ASSOCIATES, INC., individually and by and through its agents, servants and employees acting its behalf, committed one or more of the following negligent acts and/or omissions:

- a. negligently operated, managed, maintained and controlled the men's dressing rooms, including the men's dressing room for disabled customers;
- b. failed to adequately inspect the men's dressing rooms, including the men's dressing room for disabled customers;
- c. failed to remove materials including a ladder, a metal rack, containers, bundles of plastic and debris from the men's dressing room for disabled customers;
- d. failed to warn Plaintiff of the defective and/or dangerous condition existing in the men's dressing room for disabled customers, consisting of, but not limited to, a ladder, a metal rack, debris, containers and bundles of plastic when Defendant knew or should have known of the presence of the condition;
- e. failed to barricade the defective and/or dangerous conditions in the men's dressing room for disabled customers;
- f. allowed the dangerous condition consisting of, but not limited to, a ladder, a metal rack, debris, containers and bundles of plastic, to remain in the men's dressing room for disabled customers;
- g. failed to properly, completely and safely clean up the men's dressing room for disabled customers;
- h. placed ladder, metal rack, container, debris and bundles of plastic in the men's dressing room for disabled customers;
- i. failed to provide Plaintiff with a safe place to try on clothing;
- j. was otherwise negligent.

5. That as a direct and proximate result of one or more of Defendant, WAL-MART ASSOCIATES, INC., negligent acts or omissions, as aforesaid, the ladder in the men's dressing room for disabled customers fell onto the Plaintiff, Larry J. Collier, directly causing the Plaintiff to sustain personal injuries, of an economic and non-economic nature including but not limited to medical expenses, pain and suffering, and loss of normal life.

WHEREFORE, the Plaintiff, LARRY J. COLLIER, prays for judgment against the Defendant, WAL-MART ASSOCIATES, INC., for damages in excess of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS and for such other relief as this court deems just.

#### **Count IV – WAL-MART.COM USA, LLC – Negligence**

1. On November 16, 2005 and at all times relevant to the matters in this Complaint, Defendant, WAL-MART.COM USA, LLC, owned and/or leased, operated, managed, maintained, and controlled and/or contracted to operate, manage, maintain, and control a WAL-MART store, store number 5276, located at 1555 North Rand Road in the City of Palatine, County of Cook and State of Illinois.

2. On November 16, 2005 Plaintiff LARRY J. COLLIER, was lawfully on the premises of Defendant, WAL-MART.COM USA, LLC's, WAL-MART store, store number 5276, as a business invitee and was legally and lawfully in and upon the premises located at 1555 North Rand Road, in the City of Palatine, County of Cook and State of Illinois.

3. On or prior to November 16, 2005 it was the duty of Defendant, WAL-MART.COM USA, LLC, individually and by and through its agents, servants, and employees acting on it's behalf, to exercise reasonable care and caution in and about the ownership, leasing, maintenance, operation, management, and control of said premises, and to keep, operate, and maintain the aforementioned premises in a reasonably safe condition for the use of patrons and others lawfully entering the premises of the building.

4. On and prior to November 16, 2005 the Defendant, WAL-MART.COM USA, LLC, individually and by and through its agents, servants and employees acting its behalf, committed one or more of the following negligent acts and/or omissions:

- a. negligently operated, managed, maintained and controlled the men's dressing rooms, including the men's dressing room for disabled customers;
- b. failed to adequately inspect the men's dressing rooms, including the men's dressing room for disabled customers;
- c. failed to remove materials including a ladder, a metal rack, containers, bundles of plastic and debris from the men's dressing room for disabled customers;
- d. failed to warn Plaintiff of the defective and/or dangerous condition existing in the men's dressing room for disabled customers, consisting of, but not limited to, a ladder, a metal rack, debris, containers and bundles of plastic when Defendant knew or should have known of the presence of the condition;
- e. failed to barricade the defective and/or dangerous conditions in the men's dressing room for disabled customers;
- f. allowed the dangerous condition consisting of, but not limited to, a ladder, a metal rack, debris, containers and bundles of plastic, to remain in the men's dressing room for disabled customers;
- g. failed to properly, completely and safely clean up the men's dressing room for disabled customers;
- h. placed ladder, metal rack, container, debris and bundles of plastic in the men's dressing room for disabled customers;
- i. failed to provide Plaintiff with a safe place to try on clothing;
- j. was otherwise negligent.

5. That as a direct and proximate result of one or more of Defendant, WAL-MART.COM USA, LLC, negligent acts or omissions, as aforesaid, the ladder in the men's dressing room for disabled customers fell onto the Plaintiff, Larry J. Collier, directly causing the Plaintiff to sustain personal injuries, of an economic and non-



economic nature including but not limited to medical expenses, pain and suffering, and loss of normal life.

WHEREFORE, the Plaintiff, LARRY J. COLLIER, prays for judgment against the Defendant, WAL-MART.COM USA, LLC, for damages in excess of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS and for such other relief as this court deems just.

**Count V – WAL-MART REALTY COMPANY – Negligence**

1. On November 16, 2005 and at all times relevant to the matters in this Complaint, Defendant, WAL-MART REALTY COMPANY, owned and/or leased, operated, managed, maintained, and controlled and/or contracted to operate, manage, maintain, and control a WAL-MART store, store number 5276, located at 1555 North Rand Road in the City of Palatine, County of Cook and State of Illinois.

2. On November 16, 2005 Plaintiff LARRY J. COLLIER, was lawfully on the premises of Defendant, WAL-MART REALTY COMPANY's, WAL-MART store, store number 5276, as a business invitee and was legally and lawfully in and upon the premises located at 1555 North Rand Road, in the City of Palatine, County of Cook and State of Illinois.

3. On or prior to November 16, 2005 it was the duty of Defendant, WAL-MART REALTY COMPANY, individually and by and through its agents, servants, and employees acting on it's behalf, to exercise reasonable care and caution in and about the ownership, leasing, maintenance, operation, management, and control of said premises, and to keep, operate, and maintain the aforementioned premises in a reasonably safe condition for the use of patrons and others lawfully entering the premises of the building.

4. On and prior to November 16, 2005 the Defendant, WAL-MART REALTY COMPANY, individually and by and through its agents, servants and employees acting its behalf, committed one or more of the following negligent acts and/or omissions:

- a. negligently operated, managed, maintained and controlled the men's dressing rooms, including the men's dressing room for disabled customers;
- b. failed to adequately inspect the men's dressing rooms, including the men's dressing room for disabled customers;

- c. failed to remove materials including a ladder, a metal rack, containers, bundles of plastic and debris from the men's dressing room for disabled customers;
- d. failed to warn Plaintiff of the defective and/or dangerous condition existing in the men's dressing room for disabled customers, consisting of, but not limited to, a ladder, a metal rack, debris, containers and bundles of plastic when Defendant knew or should have known of the presence of the condition;
- e. failed to barricade the defective and/or dangerous conditions in the men's dressing room for disabled customers;
- f. allowed the dangerous condition consisting of, but not limited to, a ladder, a metal rack, debris, containers and bundles of plastic, to remain in the men's dressing room for disabled customers;
- g. failed to properly, completely and safely clean up the men's dressing room for disabled customers;
- h. placed ladder, metal rack, container, debris and bundles of plastic in the men's dressing room for disabled customers;
- i. failed to provide Plaintiff with a safe place to try on clothing;
- j. was otherwise negligent.

5. That as a direct and proximate result of one or more of Defendant, WAL-MART REALTY COMPANY, negligent acts or omissions, as aforesaid, the ladder in the men's dressing room for disabled customers fell onto the Plaintiff, Larry J. Collier, directly causing the Plaintiff to sustain personal injuries, of an economic and non-economic nature including but not limited to medical expenses, pain and suffering, and loss of normal life.

WHEREFORE, the Plaintiff, LARRY J. COLLIER, prays for judgment against the Defendant, WAL-MART REALTY COMPANY, for damages in excess of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS and for such other relief as this court deems just.

**Count VI – WAL-MART STORES EAST, INC. – Negligence**

1. On November 16, 2005 and at all times relevant to the matters in this Complaint, Defendant, WAL-MART STORES EAST, INC., owned and/or leased, operated, managed, maintained, and controlled and/or contracted to operate, manage, maintain, and control a WAL-MART store, store number 5276, located at 1555 North Rand Road in the City of Palatine, County of Cook and State of Illinois.

2. On November 16, 2005 Plaintiff LARRY J. COLLIER, was lawfully on the premises of Defendant, WAL-MART STORES EAST, INC.'s, WAL-MART store, store number 5276, as a business invitee and was legally and lawfully in and upon the premises located at 1555 North Rand Road, in the City of Palatine, County of Cook and State of Illinois.

3. On or prior to November 16, 2005 it was the duty of Defendant, WAL-MART STORES EAST, INC., individually and by and through its agents, servants, and employees acting on it's behalf, to exercise reasonable care and caution in and about the ownership, leasing, maintenance, operation, management, and control of said premises, and to keep, operate, and maintain the aforementioned premises in a reasonably safe condition for the use of patrons and others lawfully entering the premises of the building.

4. On and prior to November 16, 2005 the Defendant, WAL-MART STORES EAST, INC., individually and by and through its agents, servants and employees acting its behalf, committed one or more of the following negligent acts and/or omissions:

- a. negligently operated, managed, maintained and controlled the men's dressing rooms, including the men's dressing room for disabled customers;
- b. failed to adequately inspect the men's dressing rooms, including the men's dressing room for disabled customers;
- c. failed to remove materials including a ladder, a metal rack, containers, bundles of plastic and debris from the men's dressing room for disabled customers;
- d. failed to warn Plaintiff of the defective and/or dangerous condition existing in the men's dressing room for disabled customers, consisting of, but not limited to, a ladder, a metal rack, debris, containers and

bundles of plastic when Defendant knew or should have known of the presence of the condition;

- e. failed to barricade the defective and/or dangerous conditions in the men's dressing room for disabled customers;
- f. allowed the dangerous condition consisting of, but not limited to, a ladder, a metal rack, debris, containers and bundles of plastic, to remain in the men's dressing room for disabled customers;
- g. failed to properly, completely and safely clean up the men's dressing room for disabled customers;
- h. placed ladder, metal rack, container, debris and bundles of plastic in the men's dressing room for disabled customers;
- i. failed to provide Plaintiff with a safe place to try on clothing;
- j. was otherwise negligent.

5. That as a direct and proximate result of one or more of Defendant, WAL-MART STORES EAST, INC., negligent acts or omissions, as aforesaid, the ladder in the men's dressing room for disabled customers fell onto the Plaintiff, Larry J. Collier, directly causing the Plaintiff to sustain personal injuries, of an economic and non-economic nature including but not limited to medical expenses, pain and suffering, and loss of normal life.

WHEREFORE, the Plaintiff, LARRY J. COLLIER, prays for judgment against the Defendant, WAL-MART STORES EAST, INC., for damages in excess of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS and for such other relief as this court deems just.

**Count VII – WAL-MART TRANSPORTATION, LLC – Negligence**

1. On November 16, 2005 and at all times relevant to the matters in this Complaint, Defendant, WAL-MART TRANSPORTATION, LLC, owned and/or leased, operated, managed, maintained, and controlled and/or contracted to operate, manage, maintain, and control a WAL-MART store, store number 5276, located at 1555 North Rand Road in the City of Palatine, County of Cook and State of Illinois.



2. On November 16, 2005 Plaintiff LARRY J. COLLIER, was lawfully on the premises of Defendant, WAL-MART TRANSPORTATION, LLC's, WAL-MART store, store number 5276, as a business invitee and was legally and lawfully in and upon the premises located at 1555 North Rand Road, in the City of Palatine, County of Cook and State of Illinois.

3. On or prior to November 16, 2005 it was the duty of Defendant, WAL-MART TRANSPORTATION, LLC, individually and by and through its agents, servants, and employees acting on it's behalf, to exercise reasonable care and caution in and about the ownership, leasing, maintenance, operation, management, and control of said premises, and to keep, operate, and maintain the aforementioned premises in a reasonably safe condition for the use of patrons and others lawfully entering the premises of the building.

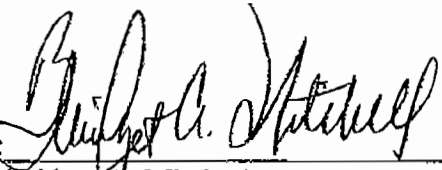
4. On and prior to November 16, 2005 the Defendant, WAL-MART TRANSPORTATION, LLC, individually and by and through its agents, servants and employees acting its behalf, committed one or more of the following negligent acts and/or omissions:

- a. negligently operated, managed, maintained and controlled the men's dressing rooms, including the men's dressing room for disabled customers;
- b. failed to adequately inspect the men's dressing rooms, including the men's dressing room for disabled customers;
- c. failed to remove materials including a ladder, a metal rack, containers, bundles of plastic and debris from the men's dressing room for disabled customers;
- d. failed to warn Plaintiff of the defective and/or dangerous condition existing in the men's dressing room for disabled customers, consisting of, but not limited to, a ladder, a metal rack, debris, containers and bundles of plastic when Defendant knew or should have known of the presence of the condition;
- e. failed to barricade the defective and/or dangerous conditions in the men's dressing room for disabled customers;

- f. allowed the dangerous condition consisting of, but not limited to, a ladder, a metal rack, debris, containers and bundles of plastic, to remain in the men's dressing room for disabled customers;
- g. failed to properly, completely and safely clean up the men's dressing room for disabled customers;
- h. placed ladder, metal rack, container, debris and bundles of plastic in the men's dressing room for disabled customers;
- i. failed to provide Plaintiff with a safe place to try on clothing;
- j. was otherwise negligent.

5. That as a direct and proximate result of one or more of Defendant, WAL-MART TRANSPORTATION, LLC, negligent acts or omissions, as aforesaid, the ladder in the men's dressing room for disabled customers fell onto the Plaintiff, Larry J. Collier, directly causing the Plaintiff to sustain personal injuries, of an economic and non-economic nature including but not limited to medical expenses, pain and suffering, and loss of normal life.

WHEREFORE, the Plaintiff, LARRY J. COLLIER, prays for judgment against the Defendant, WAL-MART TRANSPORTATION, LLC, for damages in excess of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS and for such other relief as this court deems just.

By:   
Bridget A. Mitchell,  
One of the attorneys for Plaintiff

Bridget A. Mitchell  
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